

### Katten Scores Dismissal of Patent Docketing Contractor From Lawsuit Regarding Missed IP Deadline

April 16, 2024

Katten's Intellectual Property team secured the dismissal of patent docketing contractor CPA Global Support Services (CPA Global) from a neurosurgeon's lawsuit claiming that our client provided him with "the wrong deadline date" to register his ideas for the protection of patents anywhere else in the world besides the United States, as reported by *Law360*. On April 9, the Georgia Court of Appeals unanimously affirmed a lower court decision that the surgeon never should have relied on those dates in the first place, thus clearing CPA Global of any liability.

According to the filings, the surgeon claimed to have invented a new type of spinal implant to be inserted between two human vertebrae. He was appealing a loss in Fulton County Superior Court that let our client off the hook in a legal malpractice lawsuit he has been litigating since 2018, in which he sued Atlanta law firm FisherBroyles LLP along with CPA Global, since acquired by UK-based analytics firm Clarivate, for "negligent misrepresentation." Following the appeals court's decision, which stated it was FisherBroyles LLP that had "erroneously represented" the legal deadline to the plaintiffs, the surgeon will not be able to seek the sum exceeding \$50 million from CPA Global/Clarivate. The case against FisherBroyles LLP remains ongoing in Fulton County.

Dan Alexander, senior director and associate general counsel of Clarivate, praised Katten's efforts. "I appreciate all the hard work from...everyone at Katten who helped get us through this," he said. "We couldn't have asked for a better team. Definitely a terrific result!"

The Katten team included Intellectual Property Partner Floyd Mandell, Trademark/Copyright/Privacy co-chair, and Appeals and Critical Motions Partner Eric Werlinger, as well as Intellectual Property Counsel Carolyn Passen, Partner Sean Wooden and Associate Catherine O'Brien.

["Court OKs Decision Clearing Contractor Of Missed IP Deadline,"](#) \**Law360*, April 9, 2024

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